

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Division of State Parks  
Honolulu, Hawaii 96813

July 22, 2009

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

(Kauai)

Consent to Assign General Lease No. SP-126, William and  
Jean Moragne, Assignor, to Wakefield M. Mist and Robert  
M. Mist, Assignee

APPLICANT:

William and Jean Moragne, Assignor, to Wakefield M.  
Mist and Robert M. Mist, Assignee.

LEGAL REFERENCE:

Section 171-36(a)(5), Hawaii Revised Statutes, as amended.

LOCATION:

Lot 1, Waimea (Kona), Kauai, Tax Map Key: (4)1-4-002:031, as  
shown on the attached map labeled Exhibit A.

AREA:

1.0 acres, more or less.

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State  
Constitution: YES \_\_\_\_\_ NO   X  

CHARACTER OF USE:

Recreation - residence.

**ITEM E6**

TERM OF LEASE:

20 years, commencing January 1, 2009, and expiring on December 31, 2029. There is one rental reopening scheduled after ten years.

ANNUAL RENTAL:

\$5950.00.

CONSIDERATION:

\$0.00.

RECOMMENDED PREMIUM:

None.

DCCA VERIFICATION:

N/A because all persons involved are individuals and not required to register with DCCA.

APPLICANT REQUIREMENTS:

Applicant/assignee shall prepare and submit fully executed assignment of lease.

REMARKS:

William and Jean Moragne held the previous lease covering the property.

Act 223 (2008) and board action directed staff to negotiate new leases with existing permit holders so the new lease was issued to William and Jean Moragne who now wish to assign to Wakefield M. Mist and Robert M. Mist.

Lessee is in compliance with all lease terms and conditions. There have been no prior defaults.

Assignee has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

Rent re-opening is not scheduled until after the first ten years of the lease. There are no outstanding rental reopening issues.

RECOMMENDATION:

That the Board consent to the assignment of General Lease No. SP-126 from William and Jean Moragne, Assignor, to Wakefield M. Mist and Robert M. Mist, Assignee, subject to the following:

1. No premium to be charged;
2. The standard terms and conditions of the most current consent to assignment form, as may be amended from time to time;
3. Review and approval by the Department of the Attorney General; and
4. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

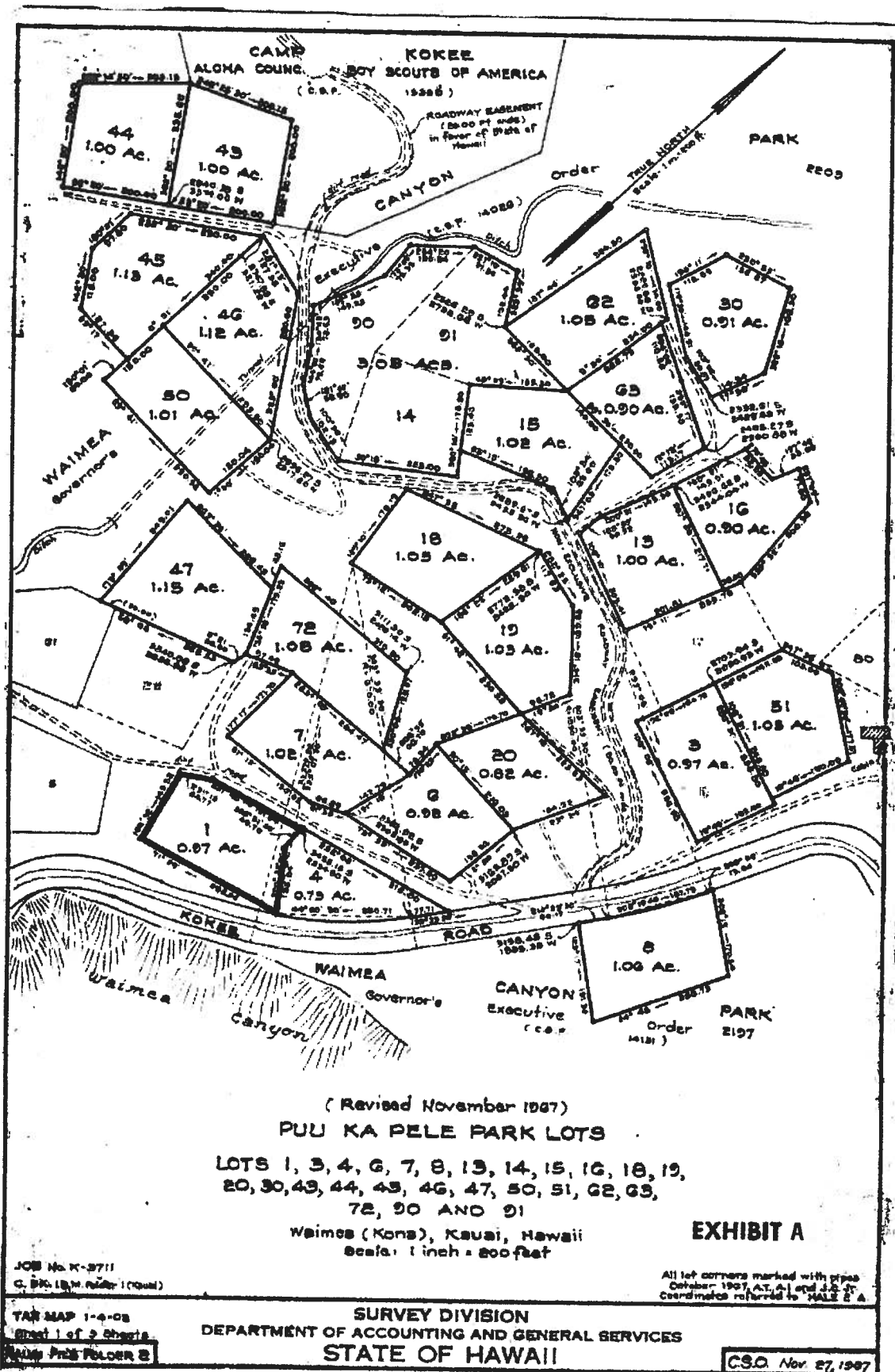


Daniel S. Quinn  
State Parks Administrator

APPROVED FOR SUBMITTAL:



Laura H. Thielen, Chairperson



# HEMPEY & MEYERS LLP

3175 Elua Street, Suite C Lihue HI 96766  
Phone (808) 632-2444 Fax (808) 632-2332

May 13, 2009

Dan Quinn  
Director of State Parks  
Department of Land and Natural Resources  
Division of State Parks  
1151 Punchbowl Street, Room 310  
Honolulu, HI 96813

Re: William and Jean Moragne cabin; TMK No. 1-4-02-31

Mr. Quinn:

This office represents William and Jean Moragne, the current leaseholders of TMK No. 1-4-02-31 (a Koke'e cabin). Mr. and Mrs. Moragne are requesting that, at the next meeting of the Land Board, the Land Board authorize the assignment of their lease from William and Jean Moragne to Wakefield M. Mist and Robert M. Mist. No money or consideration is being paid for this assignment. If there is any particular form or signatures you require in order for the assignment to take place, please do not hesitate to call us.

Respectfully,

  
Daniel Hempey

cc: William and Jean Moragne  
Wakefield M. Mist  
Robert M. Mist

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STATE PARKS DIV  
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DEPT OF LAND &  
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